

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X		
IRENE HECHT, on behalf of herself :	:	Civil Case No. 1:20-cv-05316-MKV
and all others similarly situated, :	:	
	:	
Plaintiff, :	:	
	:	
v. :	:	
	:	
MAGNANNI INC., :	:	
	:	
Defendant. :	:	
	:	
-----X		

**DEFENDANT MAGNANNI INC.'S NOTICE OF MOTION TO DISMISS THE  
COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(1)**

**PLEASE TAKE NOTICE** that on such date and at such time as the parties shall mutually agree and/or the Court shall designate, the undersigned attorneys for Magnanni, Inc., will and hereby do, respectfully move the Honorable Mary Kay Vyskocil, U.S.D.J., presiding at the United States District Court for the District of New York Southern District, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, Courtroom 18C, for an order, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, dismissing Plaintiff's Complaint as to, MAGNANNI INC., in its entirety with prejudice.

**PLEASE TAKE FURTHER NOTICE** that in support of this Motion, Defendant MAGNANNI INC. will rely upon the memorandum of law and affidavit, in connection with its motion, all other pleadings on file in this action, and any oral argument permitted by the Court.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Court's April 7, 2021 Order (Docket 13) Plaintiff shall respond to this motion by May 27, 2021 and the Defendant shall reply by June 3, 2021.

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested in the event that there is opposition to this Motion.

Dated: May 13, 2021

*Peter J. Fazio*

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On May 13, 2021 the undersigned filed the forgoing on the Court's ECF system that sent same to all counsel of record.

*Peter J. Fazio*

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